

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MEHDI NIKPARVAR-FARD,
a/k/a MEDI ARMANDI,
Defendant.

Criminal Action

No. 18-101-1 (GEKP)

**DEFENDANT MEHDI NIKPARVAR-FARD'S MOTION TO ALLOW WITHDRAW OF
GUILTY PLEA.**

Defendant Mehdi Nikparvar-Fard, IS REQUESTING THIS HONORABLE COURT TO
ALLOW HIM TO WITHDRAW HIS GUILTY PLEA.

Background and facts:

Defendant has been diligently preparing for the trial scheduled on 01/09/2023.
Defendant's family paid attorney Frank Desimone \$160,000 before 12/30/2022. Attorney
Desimone requested additional \$190,000 to be paid by 01/02/2023. Defendant's wife informed
Attorney Desimone that she could not come up with the money on 1/2/2023. Attorney Desimone
informed defendant on 01/03/2023 that accepting guilty plea agreement is in my best interest.
Defendant agreed with the guilty plea initially after heated conference call with all his
counselors. Defendant informed Counselors on 01/05/2023 that he does not plead guilty and
cannot lie under oath. Attorney Desimone informed defendant of withdrawing his appearance
from the case if he does not plead guilty. Defendant sent an email to Attorney Desimone
expecting fulfilment of representation at the trial (attached exhibit). Attorney Desimone
responded in email, quoting many disagreements, and not accepting counselor advise to plead
guilty. Defendant's counselor informed court about his plan to withdraw from case.

Attorney Poluka informed defendant that the court does not like changing attorney, and it will not be good for defendant. Attorney Poluka informed defendant that he can not represent defendant at the trial as he does not know enough about the case.

At all the time defendant consistently reiterate to his counselors with firmed believe that he is innocent and any guilty plea would be a lie under oath. Defendant would not plead guilty if Attorney Desimone did not request withdrawal. Defendant's decision to plead guilty was forced in a hopeless due to the following reasons

1. Defendant could not afford or prepare another attorney, as he spent many hours preparing Attorney Desimone for the trial.
2. Withdrawing my attorney would result in grave negative impression for the court..

Defendant realized his mistake in entering guilty plea shortly after. Defendant at all time believed and reiterate to his counselors that he did not commit crime and he is innocent of all charges. Defendant informed Attorney Desimone about his plan to withdraw the guilty plea on 1/24/2023. Attorney Desimone refused to write such motion and informed he would withdraw his appearance if judge allow withdrawal.

defendant is left with no choice but to explain coercive events leading to guilty plea. Defendant truly believe he is innocent of all charges. Defendant pray that honorable judge allow withdrawing his guilty plea.

Respectfully

Mehdi Nikparvar-fard

preparation for trial

From: mehdi nikparvar (nikparvar@yahoo.com)

To: fdesimone2003@yahoo.com

Date: Friday, December 16, 2022 at 07:33 AM EST

Dear Frank

As we discussed yesterday, there is 3 weeks to trial. I request 2 hours zooming everyday Monday to Friday. Below is the proposed schedule. This will give us 30 hours preparation time. Let me know if you want to change any of the hours.

Fri	12/16/2022	2:00 PM
Mon	12/19/2022	10:00 AM
Tue	12/20/2022	10:00 AM
Wed	12/21/2022	10:00 AM
Thu	12/22/2022	10:00 AM
Fri	12/23/2022	10:00 AM
Mon	12/26/2022	10:00 AM
Tue	12/27/2022	10:00 AM
Wed	12/28/2022	10:00 AM
Thu	12/29/2022	10:00 AM
Fri	12/30/2022	10:00 AM
Mon	1/2/2023	10:00 AM
Tue	1/3/2023	10:00 AM
Wed	1/4/2023	10:00 AM
Thu	1/5/2023	10:00 AM
Fri	1/6/2023	10:00 AM

Sincerely Yours,
Mehdi Nikparvar M.D.
570-951-2275

Re: Attorney Desimone

From: Frank DeSimone (fdesimone2003@yahoo.com)

To: nikparvar@yahoo.com

Date: Thursday, January 5, 2023 at 06:26 PM EST

Dear Doctor

Your email is insulting. First of all, our agreement was for my fee to be paid prior to trial. The balance due and owing is \$190,000. You agreed to a flat fee so that you knew your obligations ahead of time and because of the amount of trial preparation, review of documents, visits to prison, preparing the expert to testify, numerous hearing, lengthy and numerous discussion with the government, co-counsel and review of many motions, your fee would not be subject to an hourly rate. Obviously, the trial, phone calls, emails, Zoom meetings and all other time-consuming matters would be included in the fee.

The December payment was pursuant to an agreement with you and your wife that monthly payments would be forwarded and deducted from the agreed upon fee and that the balance of the fee after we agreed paid the week prior to trial. This was not done. I have been sending monthly statements to your wife.

Further, I have been diligently preparing this matter and in the last month, we have had a Zoom hearing every weekday that lasted at least two hours. Your disingenuous comment about yesterday's Zoom hearing being canceled does not mention that yesterday, co-counsel and myself discussed on at least 2 occasions a plea agreement with you in this matter which you agreed to. You were concerned about a forfeiture of \$440,000 in the plea and that you may lose your house. I contacted the government and that was taken out of the plea. You spoke to co-counsel today and asked that a provision be removed, and we spoke to the government and they removed that language.

[REDACTED] we have had many disagreements [REDACTED] you don't accept my or my co-counsel's opinion.

We urged you to accept the plea because it is in your and your family's best interest.

[REDACTED] you will not listen to advice. The trial will not be conducted as you imagine it will.

We may have irreconcilable differences at this point. If I request to withdraw, it will be up to the court. I believe that I have spent a lot of time over and above what my duties require. The tone of your email by itself speaks loudly to the heart of our disagreement and conflict.

Very truly yours,
Frank DeSimone

Sent from my iPad

On Jan 5, 2023, at 3:50 PM, mehdi nikparvar <nikparvar@yahoo.com> wrote:

Dear Attorney Desimone

I did not relieve you from your duty as my attorney. The last payment to you was on 12/30/2022. I expect you to fulfill your responsibilities as my attorney and represent me at the upcoming trial. You canceled the scheduled preparation zooming for the trial yesterday and today. I expect you to resume zooming tomorrow 1/6/23 at 10 am.

Sincerely Yours,
Mehdi Nikparvar M.D.
570-951-2275